Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	ET Docket 01-278
Review of Part 15 and other Parts of the	)	RM-9375
Commission's Rules	)	RM-10051
	)	

COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Telecommunications Industry Association (TIA), pursuant to Sections 1.415 and 1.419 of the Commission's Rules,[1] hereby comments in response to the Notice of Proposed Rulemaking (*NPRM*) in the above-captioned proceeding.[2]

I. INTRODUCTION

TIA is the leading trade association representing the communications and information technology industry, with over 1,100 member companies that manufacture or supply the products and services used in global communications. Among their numerous lines of business, TIA member companies design, produce and deploy wireless network and terminal equipment. TIA wholeheartedly supports and applauds the Commission's

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1 *See* 47 C.F.R. §§ 1.415, 1.419.

2 *In the Matter of Review of Part 15 and other Parts of the Commission's Rules*, ET Docket No. 01-278, Notice of Proposed Rulemaking and Order, FCC 01-290 (released Oct. 15, 2001) (hereafter *"NPRM"*).

efforts in this proceeding to eliminate or streamline the numerous regulations contained in the Part 15 service rules that are no longer needed nor continue to serve the public interest.

II. DISCUSSION

Radio Frequency Identification Systems

Radio Frequency Identification (RFID) systems use radio signals to track and identify items such as shipping containers and merchandise in stores. RFID systems can operate in a number of frequency bands under Part 15. TIA supports the changes proposed in the petition for rulemaking filed by the National Council for Information and Technology Standardization Technical Committee B10 ("NCITS B10")[3] requesting that the Commission amend Section 15.225 of its rules[4] to harmonize the rules with the standards for RFID devices used in Europe and Australia.[5] Harmonizing the rules would permit the design of equipment capable of operating across several countries, thereby lowering development costs for manufacturers. Harmonizing these regulations also will enable development of applications that may require international acceptance, such as those involving travel and shipping. This also benefits U.S. manufacturers of RFID

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[3] NCITS B10 *Petition for Rulemaking to Amend Section 15.225 of the Commission's Rules*, RM-9375 (filed Sep. 10, 1998).

[4] 47 C.F.R. § 15.225.

equipment by allowing a single product to be used in many markets, increasing economies-of-scale.

The proposed changes will allow for greater RFID system range. This greater range will enable many new applications that will foster consumer adaptation to many of the new requirements for homeland security via applications such as more accurate parcel tracking and tracing, Positive Passenger Bag Matching and electronic travel documents (passports and visas). Consumer benefits include contact smart cards for consumer financial transactions and electronic ticketing for travel. Business benefits include supply chain and inventory management and work-in-progress tracking in manufacturing environments. These examples clearly illustrate how the expanded use of RFID technology can positively impact the national economy and can be used as a tool for the homeland security initiative.

Declaration of Conformity Labeling

Many Part 15 devices are authorized through the Declaration of Conformity (DoC) procedure. Equipment authorized through the DoC procedure must be labeled as specified in Section 15.19 of the rules.[6] TIA supports the proposed labeling change for

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[5] *See NPRM,* ¶ 21.

[6] 47 C.F.R. § 15.19.

Part 15 devices.[7] Current labeling requirements are unnecessary on Class B devices since they can be operated in any environment (Class A or Class B). Furthermore, eliminating the statement on the label that the complete device was tested for compliance will further simplify the label. The existing labeling requirements are increasingly burdensome as technology advancements often lead to smaller equipment, thus resulting in manufactures finding it difficult to place large labels.

TIA agrees with the Commission that these changes will result in a reduced burden on manufacturers while still requiring sufficient information on equipment for enforcement purposes.[8] Accordingly, TIA encourages the Commission to allow electronic labels for devices authorized under the DoC procedure. This change will promote flexibility by permitting equipment to be quickly re-labeled when changes are made to the product identification number. Finally, TIA urges the FCC to consider electronic labeling as an option to physical labeling for all future proposed changes to other Parts of the FCC Rules. As an example of how electronic labeling could replace physical labels, the relevant FCC identification information could be resident in software, and displayed on an LCD or other display through easily implemented, well-documented, commands. For the purposes of shipment and retail display, a transparent removable label can be placed on the display with the necessary FCC identification. These labels are commonly used for information and advertisement today on small electronic devices

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7 *NPRM,* ¶¶ 30-31.

8 *Id.*

such as cordless and cellular telephones.

Test Procedure for Unlicensed PCS Equipment

Section 15.31 of the rules lists the measurement procedure that the Commission will use to determine whether a Part 15 device complies with the applicable technical requirements.[9] The Commission has incorporated industry-developed measurement procedures into the rules by reference.[10] Specifically, the American National Standards Institute (ANSI) C63.4-1992 procedure is specified as the procedure the Commission will use for testing most intentional and unintentional radiators for compliance. However, this procedure does not cover unlicensed Personal Communications Service (PSC) equipment.

The ANSI C63 Committee recently completed work on a measurement procedure for unlicensed PCS equipment, ANSI C63.17-1998. This procedure specifies a method of measuring unlicensed PCS devices to ensure compliance with the Commission's rules. TIA supports the measurement procedures specified in the recently completed work of ANSI C63 for unlicensed PCS equipment. These procedures guarantee compatibility via spectrum etiquette that requires monitoring of the spectrum band before initiation of transmissions in addition to the use of a specific transmission format. TIA believes that

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9 47 C.F.R. § 15.31.

10 *NPRM*, ¶ 32.

the test procedures specified in ANSI C63.17-1998 should be incorporated into the Commission's rules by reference as the procedure the FCC will use for testing unlicensed PCS equipment.

Exemption for Very Low-Powered Devices

Part 15 of the rules requires most devices that intentionally emit radiofrequency radiation to be certified before they can be marketed.[11] All devices must be certified regardless of how low an operating power they use. As the Commission notes in the *NPRM*, certification is a cumbersome process that requires manufacturers to have their equipment tested for compliance, submit an application with test results and other exhibits, and then wait for an approval before marketing the device.[12] TIA agrees with the FCC proposal to exempt devices operating below 490 kHz from certification if the maximum field strength emitted is more than 40 dB below the applicable Part 15 limits.[13] TIA further believes that the proposed 490 kHz limit is too restrictive. For example, low power Bluetooth devices that operate at or below 1 mW of transmitter power in the 2.4 GHz ISM band are short range and also present a very small chance of interference. TIA encourages the FCC to consider eliminating certification requirements for low-power Bluetooth products that must undergo a rigorous private sector certification process for industry acceptance.

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11 *See* 47 C.F.R. § 15.201(b).

12 *NPRM,* ¶ 34.

Information to the User

Manufacturers are required to supply certain information to the users of products operating under Part 15 of the rules. For example, warnings on unauthorized modifications to the device, potential interference, and remedies to interference are required.[14] The Commission has permitted this warning information to be provided in a paper instruction manual or by alternative means, such as a CD-ROM.[15] TIA supports the Commission's proposal to allow flexibility for manufacturers to provide information to users via paper, computer disk, a CD-ROM or over the Internet. We believe that safety information should be accessible to the user in a form that can be readily retained.

Accreditation of Test Laboratories

Section 2.948 of the rules require laboratories that submit test data for equipment subject to certification under Parts 15 and 18 of the rules to file an up-to-date description of its facility with the Commission.[16] Since these laboratories are accredited by recognized organizations that determine the competency in accordance to international standards it is not necessary for similar information to be filed with the Commission, as

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13 *Id.*

14 *See, e.g.,* 47 C.F.R. §§ 15.21, 15.105.

15 *NPRM,* ¶ 35.

16 47 C.F.R. § 2.948.

the rules currently require. We also support the proposal that the accreditation of laboratories outside the United States will be recognized by the Commission if one of the following two conditions are met: (1) the laboratory has been designated by a foreign authority and recognized by the Commission under the terms of a government-to-government Mutual Recognition Agreement or Arrangement; or (2) the laboratory has been accredited by an organization whose accreditations are recognized by the Commission.[17]

Additional Proposals

TIA supports the proposed rule changes specified in Paragraph 41 of this NPRM to update and streamline the current rules. Specifically, TIA supports all the recommended changes specified for Section 2.202 Bandwidths, Section 2.948 Description of measurement facilities, Section 2.1033 Application for certification, Sections 2.1061 through 2.1065 Filing for application reference, Section 15.31 Measurement standards, Section 15.118 Cable ready consumer electronics equipment, Section 15.120 Program blocking technology requirements for television receivers, Section 15.255 Operation in the band 59.0-64.0 GHz, Section 18.103 Organization and applicability of the rules, Section 18.105 Other applicable rules, Section 18.119 Importation, and Section 90.203 Certification required.

[17] *NPRM,* ¶ 40.

III. CONCLUSION

TIA applauds the Commission for initiating this much-needed proceeding. TIA believes that the proposed rule changes are warranted to ensure continued growth in the area of unlicensed devices while protecting against harmful interference to authorized services. TIA asks that the Commission consider its above recommendations as it moves ahead in adopting its final changes to the service rules for unlicensed Part 15 devices.

Respectfully submitted,

TELECOMMUNICATIONS INDUSTRY ASSOCIATION

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